

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVID DAWSON,

Plaintiff

VS.

BP CORPORATION NORTH AMERICA
INC. AND BP EXPLORATION AND
PRODUCTION INC.

Defendants.

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL OF CIVIL ACTION

Defendants BP Corporation North America Inc. and BP Exploration & Production Inc. (collectively, “BP”), named defendants in a civil action now pending in Texas state court, file this Notice of Removal of the action brought against them by Plaintiff David Dawson, the named Plaintiff in the civil action pending in state court. The grounds in support of this Notice of Removal are as follows:

1. **The State Court Action.** Plaintiff filed suit against BP on or about, March 26, 2021, in the 215th Judicial District Court of Harris County, Texas, under Cause No. 2021-18011 (“the State Court Action”).¹ On March 30, 2021, BP was served with the citations and a copy of the initial pleading in the State Court Action.² In the State Court Action, Plaintiff seeks to recover damages for injuries he allegedly suffered while working aboard the BP Thunder Horse

¹ A true and correct copy of the Plaintiff’s Original Petition in the State Court Action is attached hereto as Exhibit “A.”

² A true and correct copy of the executed Citation for BP is attached hereto as Exhibits “B” and “C.”

as an employee of Apache Industrial Services on or about December 10, 2020. In order to avoid the entry of a default judgment, BP filed an Original Answer in the State Court Action.³

2. The following pleadings, attached hereto, have been filed by the parties in the State Court Action:

Exhibit A Plaintiff's Original Petition

Exhibit B Copy of executed process for BP Exploration & Production Inc.

Exhibit C Copy of executed process for BP Corporation North America Inc.

Exhibit D BP Exploration & Production Inc. and BP Corporation North America Inc.'s Original Answer

3. These documents represent the entirety of all pleadings filed thus far in the State Court Action. A list of all counsel of record is attached hereto as Exhibit E. The docket sheet in the State Court Action is attached hereto as Exhibit F.

4. **This Notice is Timely Pursuant to 28 U.S.C. §1446(b).** This Notice of Removal of Civil Action is timely pursuant to 28 U.S.C. § 1446(b) because the State Court Action is being removed within the thirty (30) day period after Defendants were served with a copy of the initial pleading.

5. **Original Federal Jurisdiction Exists Over the Petition Pursuant to OCSLA and the Federal Question Statute.** The State Court Action may be removed to this Court because Plaintiff's suit involves a federal question. 28 U.S.C. §§1331, 1441(a); *Grable & Sons*

³ A true and correct copy of BP Corporation North America Inc. and BP Exploration & Production Inc.'s Original Answer is attached hereto as Exhibit "D."

Metal Prods., Inc. v. Darue Eng'g & Mfg., 545 U.S. 308, 312 (2005); *Broder v. Cablevision Sys. Corp.*, 418 F.3d 187, 194 (2d Cir. 2005); *Peters v. Union Pac. R.R.*, 80 F.3d 257, 260 (8th Cir. 1996).

6. Plaintiff's State Court petition alleges he was injured while working aboard the BP Thunder Horse. As previously found in other courts, the Thunder Horse is a fixed platform located on the Outer Continental Shelf of the Gulf of Mexico, outside the territorial jurisdiction of Louisiana. *Holmes v. Atl. Sounding Co.*, 437 F.3d 441, 446 (5th Cir. 2006) (quoting *Daniel v. Ergon, Inc.*, 892 F.2d 403, 407 (5th Cir. 1990) (emphasis added); see also *Cain v. Transocean Offshore USA, Inc.*, 518 F.3d 295, 298 (5th Cir. 2008) (quoting *Chandris, Inc. v. Latsis*, 515 U.S. 347, 354, 115 S.Ct. 2172, 132 L.Ed.2d 314 (1995)). Under the Outer Continental Shelf Lands Act ("OCSLA"), injuries that occur on the OCS fall under exclusive federal jurisdiction. 43 U.S.C. § 1333(b).

7. **Notice Filed in the State Court.** Promptly after filing this Notice of Removal, written notice thereof will be given to Plaintiff and a copy of this Notice of Removal will be filed with the District Clerk of Harris County, Texas, as required by law.⁴

⁴ A true and correct copy of the Notice being filed with the District Court of Harris County, Texas is attached as Exhibit "G."

CONCLUSION

BP has complied with the procedural requirements of 28 U.S.C. § 1446(b). This Court has removal jurisdiction based on federal question jurisdiction. Accordingly, removal of this case is proper pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 28, 2021, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Southern District of Texas by using the CM/ECF system and that service will be accomplished by the CM/ECF system to all attorneys of record.

By: s/ Thomas W. Taylor
Thomas W. Taylor